

RECEIVED

OCT 13 2006

OLSON &amp; HIERL, LTD



## UNITED STATES PATENT AND TRADEMARK OFFICE

Board of Patent Appeals and Interferences

OLSON & HIERL, LTD.  
20 NORTH WACKER DRIVE  
36TH FLOOR  
CHICAGO, IL 60606

Appeal No: 2006-2889  
Appellant: David A. Cheresh et al.  
Application No: 09/538,248  
Hearing Room: B  
Hearing Docket: A  
Hearing Date: Wednesday, November 15, 2006  
Hearing Time: 01:00 PM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

**NOTICE OF HEARING**  
**CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

**CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED.** This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (703) 872-9306

RECEIVED

BPAI Mailing Address: BOARD OF PATENT APPEALS AND INTERFERENCES  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. BOX 1450  
ALEXANDRIA, VIRGINIA 22313-1450

OCT 25 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE:  HEARING ATTENDANCE CONFIRMED  HEARING ATTENDANCE WAIVED

*Robert J. Ross*  
Signature of Attorney/Agent/Appellant

Oct 25, 2006

Date

45,058

Registration No.

Names of other visitors expected to accompany counsel: \_\_\_\_\_  
For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/web/offices/dcom/gcounsel/contact.htm#bpai\\_contacts](http://www.uspto.gov/web/offices/dcom/gcounsel/contact.htm#bpai_contacts)

MAILED

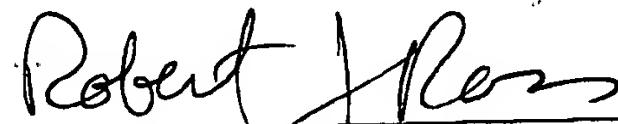
OCT 5 2006

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Application Serial No. 09/538,248 ----- 2

**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this NOTICE OF ORAL HEARING CONFIRMATION is being transmitted by facsimile transmission to the United States Patent and Trademark Office, to Fax No. 571-273-0299 and to Fax No. 571 273-8300 on October 25, 2006.



Robert J. Ross (Reg. No. 45,058)